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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,949	12/03/2001	Darrell L. Ward	069958.0102	7832

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EXAMINER

SAADAT, CAMERON

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 08/27/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/004,949

Applicant(s)

WARD, DARRELL L.

Examiner

Cameron Saadat

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/3/01.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2, 3 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-2, 4-7, 10, 17-18, 20, 22 rejected under 35 U.S.C. 102(b) as being anticipated by Abrahamson et al. (USPN 5,002,491; hereinafter Abrahamson).**

Regarding claim 1, Abrahamson discloses a method for communicating in an education environment, comprising: determining a current question from a plurality of questions, the current question having a plurality of possible answers (Col. 10, line 30); receiving a message from a remote unit, the message comprising a remote unit identifier (Col. 4, line 67) and a response (col. 5, lines 10-11); determining if the response is valid, and visually indicating if the response is valid or invalid (Col. 12, lines 48-50).

Regarding claim 17, Abrahamson discloses a communication system comprising: a plurality of remote units; a memory operable to store a plurality of possible answers to a plurality of questions; a base station operable to receive messages from the remote units, each message comprising a remote unit identifier (Col. 4, line 67) and a response (col. 5, lines 10-11); a processor operable to determine if the response is valid, and visually indicating if the response is valid or invalid (Col. 12, lines 48-50); and a display simultaneously viewable by all users of the remote units and operable to visually indicate to the users whether their respective current responses are valid (Col. 10, lines 1-5).

Regarding claim 2, Abrahamson discloses a method wherein the visual indication steps are performed using a single display simultaneously viewable by all users of the remote systems (Col. 10, lines 1-5).

Regarding claim 4, Abrahamson discloses a method further comprising: determining a current question for a second one of the remote units; receiving a message comprising a remote unit identifier (Col. 4, line 67) and a response (col. 5, lines 10-11); determining if the response of the second remote unit is valid (Col. 12, lines 48-50).

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Regarding claims 5 and 18, Abrahamson discloses a method wherein the message from the remote unit is communicated as a wireless signal (Col. 7, line 56).

Regarding claim 6, Abrahamson discloses a method further comprising: determining that a valid response for each of the questions has been received from the remote unit; and visually indicating to a user that a valid response for each of the questions was received (Col. 12, lines 48-50).

Regarding claims 7 and 22, Abrahamson discloses a method further comprising: determining that a valid response for each of the questions has been received from the remote unit; and visually indicating to a user that a valid response for each of the questions was received (Col. 12, lines 48-50); and comparing the responses to a set of correct answers to the questions; and determining a score for the complete set of valid responses (Col. 11, lines 22-25).

Regarding claim 10, Abrahamson discloses a method wherein questions are ordered in a sequence, wherein the questions have a plurality of possible answers; visually indicating if a user's response is valid or invalid for each question in the sequence (Col. 17, lines 1-8).

Regarding claim 20, Abrahamson discloses a system wherein the processor is further operable to change the current question for one of the remote units (Col. 4, lines 48-52).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 3 and 19, are rejected under 35 U.S.C. 103(a) as being unpatentable over Abrahamson et al. (USPN 5,002,491; hereinafter Abrahamson).

Regarding claim 3, Abrahamson discloses a method further comprising: receiving a command from the remote unit; and in response to the command, determining a student's strengths and weaknesses to provide remedial action. It is not explicitly stated that the remedial action is determining a new current question. However, the interactive learning system described in Abrahamson is structured through exercises and quizzes, and if not implicit, it would have been obvious to one of ordinary skill in the art that that the remedial action includes further quizzing. In addition this type of *adaptive learning* is notoriously well known in the art.

Regarding claim 19, Abrahamson discloses all of the claimed subject matter with the exception of not explicitly disclosing that the base station receives a first message from a remote unit and rejects subsequent messages for a specified duration. However, it is the examiner's position that the feature of limiting user response is notoriously well known in an educational examination environment, and it would have been obvious to one of ordinary skill in the art to modify the system described in Abrahamson, by limiting the number of responses that are accepted for each question, so that the response can be recorded and feedback can be administered shortly thereafter.

6. Claims 8-9, 11-16, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abrahamson et al. (USPN 5,002,491; hereinafter Abrahamson) in view of Ziv-El (USPN 6,302,698 B1).

Regarding claims 8-9, 11, 16 and 21, Abrahamson discloses system and method wherein a processor determines whether a valid response has been received from a remote unit; and displaying an indication of response correctness. Abrahamson does not specifically disclose a visible indication *if no previous valid response has been received*; a visible indication *if the current response matches the previous valid response*; a visible indication *if the current response is different from a previous valid response*. However, Ziv-El discloses an educational system wherein (as per claims 8, 11 and 21) a visual indication is provided when no previous valid response has been received; a visible indication if the current response matches a previous valid response (see explanation and response section, Fig. 14); and a visible indication if the current response is different from a previous valid response (see tries section, Fig. 14). Ziv-El further provides (as per claims 9 and 16) color-coding for the visual indications (Col. 22, lines 53-66). Hence, it would have been obvious to a person of ordinary skill in the art to modify the visual

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indications described in Abrahamson, by providing additional visual indications of response correctness, in light of the teachings of Ziv-El, such that a teacher may examine each of the users' progress on a dynamic screen.

Regarding claim 12, Abrahamson discloses a graphical user interface, wherein the visual indication steps are performed using a single display simultaneously viewable by all users of the remote systems (Col. 10, lines 1-5).

Regarding claims 13-15, Abrahamson discloses system and method wherein a processor determines whether a valid response has been received from a remote unit; and displaying an indication of response correctness in the form of histograms. Abrahamson does not explicitly disclose (as per claim 13) multiple sections, wherein each section comprises a first portion displaying the remote unit identifier, and a second portion displaying a question identifier for the current question; and (as per claim 15) a fifth visible indication operable to be displayed in the section when a valid response has been received from each of the remote units. However, Ziv-El discloses an educational system wherein a graphical user interface presents a first portion displaying the remote unit identifier, and a second portion displaying a question identifier for the current question; and a visible indication operable to be displayed in the section when a valid response has been received from each of the remote units (see Fig. 14). Hence, it would have been obvious to a person of ordinary skill in the art to modify the visual indications described in Abrahamson, by providing additional visual indications of response correctness, in light of the teachings of Ziv-El, such that a teacher may examine each of the users' progress on a dynamic screen.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Lee et al. (USPN 5,788,508) – disclose an educational system with remote workstations.
- Goodman (USPN 5,586,889) – discloses an educational system comprising visual indicators for response correctness.
- Griffin et al. (USPN 4,764,120) – disclose an educational system comprising a main controller and multiple remote units.

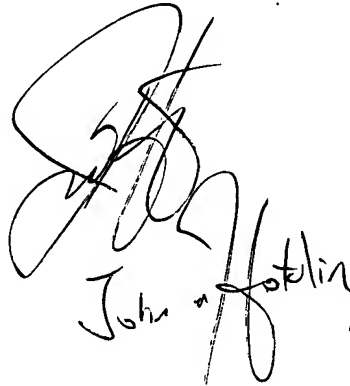
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cameron Saadat whose telephone number is 703-305-5490. The examiner can normally be reached on M-F 8:00 - 4:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 703-308-4119. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

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John A. Hotelling